



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,106	10/14/2003	Richard T. Tilley	P-6187-04-03	3011

23983 7590 02/27/2004

MILLS LAW FIRM, PLLC
822 SOUTH WHITE STREET, SUITE 100
P.O. BOX 1088
WAKE FOREST, NC 27588

EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,106

Applicant(s)

TILLEY, RICHARD T. 

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-7 are objected to because of use of inconsistent terminology. The claims should be amended to use consistent term. Appropriate correction is required.

The following is a list of objected to recitations and suggestions for correction:

- a. Claim 1, lines 6-7, "said lower end", no lower end has been recited;
- b. Claim 1 line 10, "an inner" should be an inner end;
- c. Claim 1 line 33, "said upper end" should be said free end;
- d. Claim 1, line 33, "said boom" should be said boom member;
- e. Claim 1, line 35, "said boom" should be said boom member;
- f. Claim 2, line 1, "said sleeve member" should be said mounting sleeve;
- g. Claim 3, line 2, "said sleeve member" should be said mounting sleeve;
- h. Claim 3, line 3, "of cartridge" should be of said cartridge;
- i. Claim 4, line 2, "said upper end" should be an other end, or the other end should be positively recited elsewhere;
- j. Claim 4, lines 2-3, "said boom" should be said boom member;
- k. Claim 5, line 2, "said sleeve member" should be said mounting sleeve;
- l. Claim 6 line 3, "said upper end" should be said free end;
- m. Claim 6, line 4, "said boom" should be said boom member;
- n. Claim 7, lines 8-9, "a raised position" should be an extended position to be consistent with later recitations regarding the piston;

Art Unit: 3617

- o. Claim 7, lines 14-15, "said lowered position" should be said retracted position to be consistent with later recitations regarding the piston;
- p. Claim 7, lines 15, "said raised position" should be said extended position to be consistent with later recitations regarding the piston.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "said casing member" in line 30. There is insufficient antecedent basis for this limitation in the claim. There is no mention of a casing member in the specification. Claims 2-6 depend from claim 1.
5. Claim 2 recites the limitation "said fastener means" in line 1. There is insufficient antecedent basis for this limitation in the claim. Some fasteners are mentioned in the specification, but it is not readily ascertainable what the scope of this recitation is even from the specification.
6. Claim 5 recites the limitation "said casing member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

7. Claim 7 is allowed.

Art Unit: 3617

8. Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest the recited combinations as a whole and specifically the handle and piston relationship that raises and lowers and rotates the boom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rupp shows an outrigger where a handle controls rotation. Frick shows an outrigger with hydraulic control of both tilt and rotation. Messik shows an outrigger with hydraulic control. Slatter ('196) shows an outrigger. Jordan, III shows an outrigger with a handle that controls rotation. Roy shows an outrigger with hydraulic control. Slatter ('745) shows an outrigger with a handle that controls rotation.

11. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for

Application/Control Number: 10/684,106

Page 5

Art Unit: 3617

official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
Art Unit 3617

AW 2/24/08